

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

SEE ATTACHMENT

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE ATTACHMENT

E-filing

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Immigration and Customs Enforcement

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

ANDREW S. HUANG, AUSA

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

LEONARD B. AUERBACH

DISTRICT COURT NUMBER

CR08-367

DLJ

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of Institution

Has detainer
been filed?☐ Yes
☐ NoIf "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS*☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

LEONARD B. AUERBACH,
PENALTY SHEET ATTACHMENT

VIOLATIONS:

COUNTS 1 & 2: 18 U.S.C. § 2423(c) – Engaging in Illicit Sexual Conduct in Foreign Places; 18 U.S.C. § 2423(b) – Travel with Intent to Engage in Illicit Sexual Conduct;

COUNT 3: 18 U.S.C. § 2251(c) – Production of Child Pornography;

COUNT 4: 18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography;

PENALTIES:

COUNTS 1&2: 30 years maximum prison sentence; \$250,000 maximum fine; 5 years (lifetime maximum) supervised release term; \$100 special assessment; Registration as Sex Offender, Forfeiture and Restitution

COUNT 3: 30 years maximum prison sentence; \$250,000 maximum fine; 5 years (lifetime maximum) supervised release term; \$100 special assessment; Registration as Sex Offender, Forfeiture and Restitution

COUNT 4: 10 years maximum prison sentence; \$250,000 maximum fine; 5 years (lifetime maximum) supervised release term; \$100 special assessment; Registration as Sex Offender

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

CR08-367

DLJ

UNITED STATES OF AMERICA,

E-filing

V.

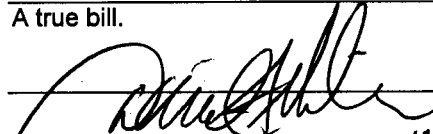
LEONARD B. AUERBACH,

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 2423(c) – Engaging in Illicit Sexual Conduct in Foreign Places; 18 U.S.C. § 2423(b) – Travel with Intent to Engage in Illicit Sexual Conduct; 18 U.S.C. § 2251(c) – Production of Child Pornography; 18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography; 18 U.S.C. § 2428 – Forfeiture; 18 U.S.C. § 2253 – Forfeiture

A true bill.



Foreman

Filed in open court this 4TH day of

JUNE 2008

Clerk

Bail, \$

Wayne D. Brazil No bail arrest warrant.
6-4-08

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

FILED
2008 JUN -4 AM 11:54
RICHARD W. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEONARD B. AUERBACH,

Defendant.

CR08-367 DLJ

VIOLATIONS: 18 U.S.C. § 2423(c) –
Engaging in Illicit Sexual Conduct in
Foreign Places; 18 U.S.C. § 2423(b) –
Travel with Intent to Engage in Illicit Sexual
Conduct; 18 U.S.C. § 2251(c) – Production
of Child Pornography; 18 U.S.C. §
2252(a)(4)(B) – Possession of Child
Pornography; 18 U.S.C. § 2428 – Forfeiture;
18 U.S.C. § 2253 – Forfeiture

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 2423(c) – Engaging in Illicit Sexual Conduct in Foreign Places)

Beginning at a time unknown to the Grand Jury, but no later than on or about September 22, 2004, and continuing to at least on or about April 9, 2007, in the Northern District of California and elsewhere, the defendant,

LEONARD B. AUERBACH,

a citizen of the United States, did travel in foreign commerce and did knowingly engage with another person in illicit sexual conduct, as that term is defined in 18 U.S.C. §§ 2423(f) and 2246, all in violation of Title 18, United States Code, Section 2423(c).

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INDICTMENT

1 COUNT TWO: (18 U.S.C. § 2423(b) – Travel with Intent to Engage in Illicit Sexual Conduct)

2 Beginning at a time unknown to the Grand Jury, but no later than on or about September
3 22, 2004, and continuing to at least on or about April 9, 2007, in the Northern District of
4 California and elsewhere, the defendant,

5 LEONARD B. AUERBACH,

6 a citizen of the United States, did travel in foreign commerce for the purpose of engaging with
7 another person in illicit sexual conduct, as that term is defined in 18 U.S.C. §§ 2423(f) and 2246,
8 all in violation of Title 18, United States Code, Section 2423(b).

9
10 COUNT THREE: (18 U.S.C. § 2251(c) – Production of Child Pornography)

11 Beginning at a time unknown to the Grand Jury, but no later than on or about September
12 22, 2004, and continuing to at least on or about April 9, 2007, the defendant,

13 LEONARD B. AUERBACH,

14 did employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit
15 conduct outside of the United States, its territories and possessions, for the purpose of producing
16 any visual depiction of such conduct, and did transport and did intend to be transported such
17 visual depiction to the United States, its territories and possessions, by any means, including by
18 computer and mail, all in violation of Title 18, United States Code, Section 2251(c).

19
20 COUNT FOUR: (18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography)

21 On or about August 6, 2007, in the Northern District of California, the defendant,

22 LEONARD B. AUERBACH,

23 did knowingly possess matters which contained visual depictions that had been shipped and
24 transported in interstate and foreign commerce, by any means including by computer, and which
25 were produced using materials that had been transported and shipped in interstate and foreign
26 commerce, by any means including by computer, knowing that the producing of such visual
27 depictions involved the use of a minor engaging in sexually explicit conduct and that such visual
28 depictions were of such conduct, all in violation of Title 18, United States Code, Section

INDICTMENT

1 2252(a)(4)(B).

2
3 FORFEITURE ALLEGATION ONE: (18 U.S.C. § 2428 – Criminal Forfeiture)

4 Upon conviction of the offenses alleged in Counts One and Two of this Indictment, the
5 defendant,

6 LEONARD B. AUERBACH,

7 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2428, all
8 property, real and personal, used and intended to be used to commit and facilitate the commission
9 of the offenses of conviction, including but not limited to the following:

- 10 a. \$540,000, constituting and derived from proceeds from the sale of the
11 defendant's interest in Beautiful Beach House, Ltd., which owned and
12 controlled a home located at the Hacienda Pinilla Beach resort in Costa
13 Rica;
14 b. 120 GB hard drive (seized by the government on August 6, 2007);
15 c. Sony VAIO laptop computer with 80 GB hard drive and serial number
16 J001WRA8 (seized by the government on August 6, 2007);
17 d. 1 GB PNY brand flash drive (seized by the government on August 6,
18 2007); and
19 e. 512 MB PNY brand flash drive (seized by the government on August 6,
20 2007).

21 FORFEITURE ALLEGATION TWO: (18 U.S.C. § 2253 – Criminal Forfeiture)

22 Upon conviction of the offenses alleged in Counts Three and Four of this Indictment, the
23 defendant,

24 LEONARD B. AUERBACH,

25 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, all
26 visual depictions described in Title 18, United States Code Section 2252, and all property, real
27 and personal, used and intended to be used to commit and promote the commission of the
28 offenses of conviction and any property traceable to such property, including but not limited to
the following:

- a. \$540,000, constituting and derived from proceeds from the sale of the
defendant's interest in Beautiful Beach House, Ltd., which owned and
controlled a home located at the Hacienda Pinilla Beach resort in Costa
Rica;

INDICTMENT

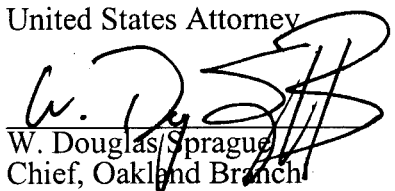
- b. 120 GB hard drive (seized by the government on August 6, 2007);
- c. Sony VAIO laptop computer with 80 GB hard drive and serial number J001WRA8 (seized by the government on August 6, 2007);
- d. 1 GB PNY brand flash drive (seized by the government on August 6, 2007);
- e. 512 MB PNY brand flash drive (seized by the government on August 6, 2007); and
- f. Any other property that the government seized from defendant's home in Orinda, California on August 6, 2007 that has been determined to constitute or contain sexually explicit images of minors, including any computers or computer storage devices.


DATED: 6-4-08

A TRUE BILL.


FOREPERSON

JOSEPH P. RUSSONIELLO
United States Attorney


W. Douglas Sprague
Chief, Oakland Branch

(Approved as to form: )

AUSA HUANG

INDICTMENT

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

SEE ATTACHMENT

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

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PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Immigration and Customs Enforcement

- ☐ person is awaiting trial in another Federal or State Court, give name of court

- ☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

- ☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

- ☐ this prosecution relates to a pending case involving this same defendant

- ☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

ANDREW S. HUANG, AUSA

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

FILED

LEONARD B. AUERBACH

AUG - 5 2008

DISTRICT COURT NUMBER
CR-08-0367 DLJRICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.
If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer
been filed?☐ Yes
☐ NoIf "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED
TO U.S. CUSTODY☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS*☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

LEONARD B. AUERBACH,
PENALTY SHEET ATTACHMENT

VIOLATIONS:

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COUNT 3: 18 U.S.C. § 2251(c) – Production of Child Pornography;

COUNT 4: 18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography;

PENALTIES:

COUNTS 1&2: 30 years maximum prison sentence; \$250,000 maximum fine; Lifetime maximum supervised release term (5 yrs. Mandatory minimum); \$100 special assessment; Registration as Sex Offender, Forfeiture and Restitution

COUNT 3: 30 years maximum prison sentence (15 yrs. Mandatory minimum); \$250,000 maximum fine; Lifetime maximum supervised release term (5 yrs. Mandatory minimum); \$100 special assessment; Registration as Sex Offender, Forfeiture and Restitution

COUNT 4: 10 years maximum prison sentence; \$250,000 maximum fine; Lifetime maximum supervised release term (5 yrs. Mandatory minimum); \$100 special assessment; Registration as Sex Offender